

POS	EQUAL OPPORTUNITY	PSFCS1
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POSITION STATEMENT CODE:	PSFCS1
DIRECTORATE:	Finance & Corporate Services
BUSINESS UNIT:	Human Resources
SERVICE UNIT:	Human Resources
RESPONSIBLE OFFICER:	Manager, Human Resources
FILE NO.:	182/002
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	8 December 2016
ATTACHMENTS:	N/A
VERSION NO.	3

Dates of Amendments / Reviews:	
DAPPS Meeting:	22 September 2011 24 May 2012 24 November 2016
OCM:	13 October 2011 14 June 2012

BACKGROUND:

The Equal Opportunity Act, 1984, and the Local Government Act, 1995, (Sec. 5.40) provide for Councils to comply with equal opportunity principles, Fair Work Act, 2009.

PURPOSE:

To ensure that the City of Cockburn staff are aware of the necessity to comply with the principles associated with equal opportunities in the work place.

POSITION:

- (1) The City of Cockburn recognises its legal obligations under the Fair Work Act 2009 and the Equal Opportunity Act, 1984, and will actively promote equal employment opportunities based solely in accordance with section 5.40 of the Local Government Act, 1995. Furthermore, the Council commits itself to maintaining an equal opportunity program which aims to meet the following two objectives;
 1. That the City of Cockburn recognises and values diversity within its workforce and its community.
 2. That none of the grounds that are recognised as being discriminatory under the Act are contravened by any employee of the City of Cockburn.

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- (2) The grounds of the Equal Opportunity Act that are recognised under this position are:
- (a) Age
 - (b) Breastfeeding
 - (c) Family Responsibility
 - (d) Family Status
 - (e) Gender History
 - (f) Impairment
 - (g) Marital Status
 - (h) Political Conviction
 - (i) Pregnancy
 - (j) Race
 - (k) Racial Harassment
 - (l) Religious Conviction
 - (m) Sex
 - (n) Sexual Harassment
 - (o) Sexual Orientation
 - (p) Spent Conviction
- (3) All offers of employment within this Council provide equal opportunity to prospective employees provided their relevant experience, skills and ability meet the specific requirements of the position.
- (4) It is unlawful for the City of Cockburn to discriminate against an employee on the grounds as outlined in point (2) of this Policy:
- (a) in the terms or conditions of employment that the employer affords the employee; or
 - (b) by denying the employee access, or limiting the employee's access, to opportunities for promotion, transfer or training, or to any other benefits associated with employment; or
 - (c) by dismissing the employee; or
 - (d) by subjecting the employee to any other detriment.
- (5) All employment policies and opportunities with this Council provide equal opportunity to all employees provided their relevant experience, skills and ability meet the requirements for such employment.
- (6) All employee development opportunities with this Council provide equal opportunity to all employees provided their relevant experience, skills and ability meet the requirements for such development.
- (7) This Council will not tolerate harassment within its workplace. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, colour, language, ethnicity, political or religious convictions, gender, family or marital status or disability.

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- (8) It is acknowledged that sexual harassment is an unlawful ground under the Equal Opportunity Act (1984) and is defined as an unwelcome sexual advance or request for sexual favours or unwelcome conduct of a sexual nature.

The behaviour must be such that the harassed person has reasonable grounds to believe if they reject the advance, refuse the request or object to the conduct they will be disadvantaged, or they are in fact disadvantaged..

- (9) The Council recognises the sensitive nature of such complaints and makes the commitment that any such complaints will be investigated with the utmost propriety and discretion. To this end it undertakes to maintain appropriate grievance procedures for the resolution of such complaints.

- (10) Harassment, (whether sexual or otherwise) can be perpetrated in many forms and this may include, but not exclusively to:-

1. physical intimidation, touching, mocking or gesturing;
2. threats both verbal and physical made in order to secure some behavioural co-operation or state of compliance by the harassed person;
3. the inappropriate use of information technology including telephones and computers and in particular the use of e-mail or the internet to subject a person to sensory imagery that is not solicited by them and is unwelcome to them;
4. the public display of posters, photographs, screen savers and other art mediums when the item displayed or shown could be considered improper or offensive by any person or staff member employed by the City of Cockburn.
5. bullying

- (11) The City of Cockburn also accepts that as a service provider to the community which it serves, that such service will be provided in a manner which complies with the Equal Opportunity Act (1984) and accordingly Council's staff shall be given instruction as to their rights and obligations under the Equal Opportunity Act; (1984); both as an employee and as a service provider. However, just as the City of Cockburn declares its commitment to delivering its services in accordance with the Equal Opportunity Act, (1984) it also expects that staff too will be treated by the Community with the same respect. Accordingly, it will support any staff member who believes that they have been unfairly treated by any customer of the City of Cockburn.

- (12) The City of Cockburn is fully committed to the Equal Opportunity Act (1984) and all employees of the City of Cockburn must understand that if they

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knowingly contravene the Equal Opportunity Act (1984) or this Position Statement, then they will face disciplinary action.

- (13) In accordance with the authority vested in the Chief Executive Officer by the Local Government Act, (1995) to assume responsibility for all matters effecting the employment of staff within the City of Cockburn, he/she shall be empowered to adopt guidance notes or management plans which have been prepared in order to contribute to the sound and proper administration of this Position Statement and they shall be read and applied in conjunction with this Position Statement.